UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,488	12/17/2003	DeAnn M. Haas	13417BCT (GEMS0213PA)	1487

61604   7590   07/22/2008

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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/707,488	HAAS ET AL.
	Examiner	Art Unit	
	ROBERT SOREY	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080709

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent Application Publication 2002/0082906 to Kirshner.

3.   As per claim 1, Kirshner teaches a system for providing an updated and reliable

health forecast guide, comprising:

--*a central server for storing a plurality of health-related data* (Fig. 1, ele.

103)(see: Kirshner, paragraphs 76 and 77) *and creating the health forecast guide based*

on said plurality of health-related data (see: Kirshner, paragraphs 13 and 81, is met by

the risk factor collection section); *and*

--*a plurality of remotely-located computer workstations coupled to said central*

server (Fig. 1, ele. 101)(see: Kirshner, paragraphs 76 and 77), *said plurality of remotely-*

located computer workstations for receiving the health forecast guide from said central

server and sending said plurality of health-related data to said central server (Fig.

1)(see: Kirshner, abstract and paragraphs 13 and 81).

4.   As per claim 2, Kirshner teaches the system as claimed, see discussion of claim

1, and further teaches:

--said plurality of health-related data comprises at least one of a patent age (Fig.
3B, ele. 310b)(see: Kirshner, paragraph 126, 144, 150, 151, and 152) *and a patient
gender.*

5.   As per claim 3, Kirshner teaches the system as claimed, see discussion of claim
1, and further teaches:

*--said plurality of health-related data is collected according to an authorized
protocol for maintaining reliability in obtaining said plurality of health-related data* (see:
Kirshner, paragraphs 4, 13, 15, 81, 96-121, 149-151, 155, and 156 is met by many
things, including the risk factor collection section which is a system and protocol for
reliably collecting health-related data).

6.   As per claim 4, Kirshner teaches the system as claimed, see discussion of claim
1, and further teaches:

*--said central server creates an updated health forecast guide when said central
server has received a threshold amount of said plurality of health-related data* (see:
Kishner, paragraphs 102, 103, 109, and 117).

7.   As per claim 5, Kirshner teaches the system as claimed, see discussion of claim
1, and further teaches:

*--said plurality of remotely located computer workstations and said central server
are interconnected by way of an internet network* (Fig. 1, ele. 102)(see: Kirshner,
paragraphs 5, 11, 75, 77, and 79).

8.   As per claim 6, Kirshner teaches the system as claimed, see discussion of claim
1, and further teaches:

--*said internet network provides said central server with said health-related data*

from a plurality of populations over a plurality of regions (Fig. 1, ele. 102)(see: Kirshner,

paragraphs 5, 11, 75, 77, 79, 155, and 156).

9.   As per claim 7, Kirshner teaches a system for providing an updated and reliable

percentile ranking guide, comprising:

--*a central server for storing a plurality of coronary-related data* (Fig. 1, ele.

103)(see: Kirshner, paragraphs 76 and 77) *and creating the percentile-ranking guide*

based on said plurality of coronary-related data (see: Kirshner, paragraphs 2, 11, 13

and 81, is met by the risk factor collection section; and paragraphs 149-157, is met by

the risk factor calculation section which calculates and categorizes risk for developing a

coronary-related problem using a point ranking system and associated percentages);

and

--*a plurality of remotely-located computer workstations coupled to said central*

server (Fig. 1, ele. 101)(see: Kirshner, paragraphs 76 and 77), *said plurality of remotely-*

located computer workstations for receiving the percentile-ranking guide from said

central server and sending said plurality of coronary-related data to said central server

(Fig. 1)(see: Kirshner, abstract and paragraphs 2, 11, 13, 81, and 149-157).

10.   As per claim 8, Kirshner teaches the system as claimed, see discussion of claim

7, and further teaches:

--*said plurality of coronary-related data comprises at least one of a patent age*

(Fig. 3B, ele. 310b)(see: Kirshner, paragraph 126, 144, 150, 151, and 152), *a patient*

gender, a patient cholesterol level, a patient exercise habit, a patient smoking habit, and

a calcium score.

11.   As per claim 9, Kirshner teaches the system as claimed, see discussion of claim

7, and further teaches:

        --said plurality of coronary-related data is collected according to a predetermined

protocol for maintaining reliability in comparison of said plurality of coronary-related data

(see: Kirshner, paragraphs 4, 13, 15, 81, 96-121,149-151, 155, and 156, *predetermined*

protocol is met by many things, including the risk factor collection section which is a

predetermined system and protocol for reliably collecting coronary-related data).

12.   As per claim 10, Kirshner teaches the system as claimed, see discussion of

claim 7, and further teaches:

        --said central server creates an updated percentile-ranking guide when said

central server has received a threshold amount of said plurality of coronary-related data

(see: Kishner, paragraphs 102, 103, 109, and 117).

13.   As per claim 11, Kirshner teaches the system as claimed, see discussion of claim

7, and further teaches:

        --said plurality of remotely located computer workstations and said central server

are interconnected by way of an internet network (Fig. 1, ele. 102)(see: Kirshner,

paragraphs 5, 11, 75, 77, and 79).

14.   As per claim 12, Kirshner teaches the system as claimed, see discussion of claim

11, and further teaches:

--*said plurality of remotely-located computer workstations are located across at least one of a region, a country, and a plurality of countries for providing said central server with said plurality of health-related data from a plurality of populations* (Fig. 1, ele. 102)(see: Kirshner, paragraphs 5, 11, 75, 77, 79, 155, and 156).

15.   As per claim 13, Kirshner teaches a method for providing an updated and reliable health forecast guide, comprising:

--*employing at least one remotely located workstation to upload a central server with a plurality of health-related data* (Fig. 1)(see: Kirshner, paragraphs 4, 13, 76, 77, 81, and 96-121, is met by risk factor collection section);

--*downloading a current health forecast guide from said central server to said at least one remotely located workstation* (Fig. 1)(see: Kirshner, paragraphs 4, 13, 76, 77, 79, and 81, is met by a follow-up user executing the stored risk factor collection section and the guidelines developed by a plurality of organizations).

16.   As per claim 14, Kirshner teaches the system as claimed, see discussion of claim 13, and further teaches:

--*said health-related data is directed to coronary disease and comprises at least one of a patient age* (Fig. 3B, ele. 310b)(see: Kirshner, paragraph 126, 144, 150, 151, and 152), *a patient gender, a patient cholesterol level, a patient exercise habit, a patient smoking habit, and a calcium score.*

17.   As per claim 15, Kirshner teaches the system as claimed, see discussion of claim 13, and further teaches:

--said health-related data is directed to lung cancer and comprises at least one of

a patient age (Fig. 3B, ele. 310b)(see: Kirshner, paragraphs 4, 126, 144, 150, 151, and

152), *a patient gender, a nodule size, a nodule type, and a patient smoking habit* (see:

Kirshner, paragraphs 4, 103, and 104).

18.   As per claim 16, Kirshner teaches the system as claimed, see discussion of

claim 13, and further teaches:

--quantifying an amount of said plurality of health-related data that is uploaded

onto said central server (see: Kishner, paragraphs 102, 103, 109, 117, and 122-147, is

met by the process risk factory summary, which quantifies information for summary).

19.   As per claim 17, Kirshner teaches the system as claimed, see discussion of claim

16, and further teaches:

--determining that a threshold amount of said plurality of health-related data has

been uploaded onto said central server (see: Kishner, paragraphs 83, 102, 103, 109,

117, and 148-156, is met by a threshold conditions being satisfied before the risk factor

calculation section is run).

20.   As per claim 18, Kirshner teaches the system as claimed, see discussion of claim

17, and further teaches:

--sending said plurality of health-related data and said current health forecast

guide via an internet network (Fig. 1, ele. 102)(see: Kirshner, paragraphs 5, 11, 75, 77,

and 79).

21.   As per claim 19, Kirshner teaches the system as claimed, see discussion of claim

18, and further teaches:

--said sending said plurality of health-related data from a plurality of populations over a plurality of regions to said central server (Fig. 1, ele. 102)(see: Kirshner, paragraphs 5, 11, 75, 77, 79, 155, and 156).

22.   As per claim 20, Kirshner teaches the system as claimed, see discussion of claim 19, and further teaches:

--utilizing said plurality of health-related data for updating at least one of a local health forecast guide (see: Kishner, paragraphs 4, 102, 103, 109, 117, and 148-156 updating a local health forecast guide is met by updating an individual's risk factor calculation section), *a regional health forecast guide, a national health forecast guide, and a global health forecast guide.*

Conclusion

23.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM (EST).

24.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Sorey/
Examiner, Art Unit 3626
14 July 2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626